

Senate Bill No. 180

CHAPTER 239

An act to add Section 13519.14 to, and to add and repeal Title 6.7 (commencing with Section 13990) of Part 4 of, the Penal Code, relating to human trafficking.

[Approved by Governor September 21, 2005. Filed with
Secretary of State September 21, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

SB 180, Kuehl. Human trafficking.

Existing law establishes various task forces for purposes of crime prevention and law enforcement.

This bill would establish the California Alliance to Combat Trafficking and Slavery (California ACTS) Task Force and require it to evaluate various programs available to victims of trafficking and various criminal statutes addressing human trafficking, and report to the Legislature, Governor, and Attorney General on or before July 1, 2007.

Existing law establishes the Commission on Peace Officer Standards and Training.

This bill would require the commission to develop a course or courses for peace officers relating to human trafficking, as specified. The bill would provide that participation in the courses by law enforcement would be voluntary.

The people of the State of California do enact as follows:

SECTION 1. Title 6.7 (commencing with Section 13990) is added to Part 4 of the Penal Code, to read:

TITLE 6.7. CALIFORNIA ALLIANCE TO COMBAT TRAFFICKING AND SLAVERY (CALIFORNIA ACTS) TASK FORCE

13990. (a) There is hereby established the California Alliance to Combat Trafficking and Slavery (California ACTS) Task Force to do the following, to the extent feasible:

(1) Collect and organize data on the nature and extent of trafficking in persons in California.

(2) Examine collaborative models between government and nongovernmental organizations for protecting victims of trafficking.

(3) Measure and evaluate the progress of the state in preventing trafficking, protecting and providing assistance to victims of trafficking, and prosecuting persons engaged in trafficking.

(4) Identify available federal, state, and local programs that provide services to victims of trafficking that include, but are not limited to, health care, human services, housing, education, legal assistance, job training or preparation, interpreting services, English-as-a-second-language classes, voluntary repatriation and victim's compensation. Assess the need for additional services, including, but not limited to, shelter services for trafficking victims.

(5) Evaluate approaches to increase public awareness of trafficking.

(6) Analyze existing state criminal statutes for their adequacy in addressing trafficking and, if the analysis determines that those statutes are inadequate, recommend revisions to those statutes or the enactment of new statutes that specifically define and address trafficking.

(7) Consult with governmental and nongovernmental organizations in developing recommendations to strengthen state and local efforts to prevent trafficking, protect and assist victims of trafficking, and prosecute traffickers.

(b) The task force shall be chaired by a designee of the Attorney General. The Department of Justice shall provide staff and support for the task force, to the extent that resources are available.

(c) The members of the task force shall serve at the pleasure of the respective appointing authority. Reimbursement of necessary expenses may be provided at the discretion of the respective appointing authority or agency participating in the task force. The task force shall be comprised of the following representatives or their designees:

(1) The Attorney General.

(2) The Chairperson of the Judicial Council of California.

(3) The Secretary of the Labor and Workforce Development Agency.

(4) The Director of the State Department of Social Services.

(5) The Director of the State Department of Health Services.

(6) One Member of the Senate, appointed by the Senate Rules Committee.

(7) One Member of the Assembly, appointed by the Speaker of the Assembly.

(8) Chairperson of the state Commission on the Status of Women.

(9) One representative from the California District Attorneys Association.

(10) One representative from the California Public Defenders Association.

(11) Two representatives of local law enforcement, one selected by the California State Sheriffs' Association and one selected by the California Police Chiefs' Association.

(12) One representative from the County Welfare Directors' Association.

(13) One representative from the California Coalition Against Sexual Assault, appointed by the Governor.

(14) One representative from the California Partnership to End Domestic Violence, appointed by the Governor.

(15) The Governor shall appoint one university researcher and one mental health professional.

(16) The Speaker of the Assembly shall appoint one representative from an organization that provides services to farmworkers, one representative from an organization that provides services to children, and one representative from an organization that serves victims of human trafficking in southern California.

(17) The Senate Rules Committee shall appoint one representative from an organization that provides legal immigration services to low-income individuals, one representative from an organization that advocates for immigrant workers' rights, and one representative from an organization that serves victims of trafficking in northern California.

(18) The Governor shall appoint one survivor of human trafficking.

(d) Whenever possible, members of the task force shall have experience providing services to trafficked persons or have knowledge of human trafficking issues.

(e) The task force shall meet at least once every two months. Subcommittees may be formed and meet as necessary. All meetings shall be open to the public. The first meeting of the task force shall be held no later than March 1, 2006.

(f) On or before July 1, 2007, the task force shall report its findings and recommendations to the Governor, the Attorney General, and the Legislature. At the request of any member, the report may include minority findings and recommendations.

(g) For the purposes of this section, "trafficking" means all acts involved in the recruitment, abduction, transport, harboring, transfer, sale or receipt of persons, within national or across international borders, through force, coercion, fraud or deception, to place persons in situations of slavery or slavery-like conditions, forced labor or services, such as forced prostitution or sexual services, domestic servitude, bonded sweatshop labor, or other debt bondage.

(h) This title is repealed as of January 1, 2008, unless a later enacted statute, that becomes operative before January 1, 2008, deletes or extends that date.

SEC. 3. Section 13519.14 is added to the Penal Code, to read:

13519.14. (a) The commission shall implement by January 1, 2007, a course or courses of instruction for the training of law enforcement officers in California in the handling of human trafficking complaints and also shall develop guidelines for law enforcement response to human trafficking. The course or courses of instruction and the guidelines shall stress the dynamics and manifestations of human trafficking, identifying and communicating with victims, providing documentation that satisfy the law enforcement agency endorsement (LEA) required by federal law, collaboration with federal law enforcement officials, therapeutically appropriate investigative techniques, the availability of civil and immigration remedies and community resources, and protection of the victim. Where appropriate, the training presenters shall include human

trafficking experts with experience in the delivery of direct services to victims of human trafficking. Completion of the course may be satisfied by telecommunication, video training tape, or other instruction.

(b) As used in this section, “law enforcement officer” means any officer or employee of a local police department or sheriff’s office, and any peace officer of the California Highway Patrol, as defined by subdivision (a) of Section 830.2.

(c) The course of instruction, the learning and performance objectives, the standards for the training, and the guidelines shall be developed by the commission in consultation with appropriate groups and individuals having an interest and expertise in the field of human trafficking.

(d) The commission, in consultation with these groups and individuals, shall review existing training programs to determine in what ways human trafficking training may be included as a part of ongoing programs.

(e) Participation in the course or courses specified in this section by peace officers or the agencies employing them is voluntary.